

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark G. Erlander, et al.

Application No.: 10/727,100

Filed: December 2, 2003

For: PREDICTING OUTCOME WITH
TAMOXIFEN IN BREAST CANCER

Customer No.: 70680

Confirmation No. 4395

Examiner: Qian, C.X.

Technology Center/Art Unit: 1636

RESPONSE TO NOTICE UNDER 37
C.F.R. § 1.121(d) AND SUPPLEMENTAL
AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice of Non-Compliant Amendment under 37 C.F.R. § 1.121(d), as set forth on form PTOL-324AE, which set November 24, 2007 as the initial deadline for reply.

Applicants respectfully point out that the use of PTOL-324AE appears to be in error as the instant application has NOT been granted Accelerated Examination status as asserted in the form. Therefore, Applicants respectfully submit that form PTOL-324 was intended and that an extension of time under 37 C.F.R. § 1.136(a) is available as the non-compliant amendment was a non-final amendment. Accordingly, a Petition for a two-month Extension of Time with the associated fees is enclosed to extend the period for response to January 24, 2008. This Reply is believed to be timely filed. If this understanding is incorrect, clarification in an Office Communication is respectfully requested.

Reconsideration in light of the following is respectfully requested.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Amendments to the Drawings begin on page 13 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

Remarks/Arguments begin on page 14 of this paper.

An **Appendix** including amended drawing figures is attached following page 21 of this paper.